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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,776	10/22/2003	Frantz Germain	0267-1952(A)	6953

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EXAMINER

BARRERA, RAMON M

ART UNIT	PAPER NUMBER
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2832

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/690,776

Applicant(s)

GERMAIN ET AL.

Examiner

Ramon M. Barrera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 53-68 is/are pending in the application.
- 4a) Of the above claim(s) 23-30 and 53-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-22 and 68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 4, 15, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 4 and 15, antecedent basis is lacking for "the latch". In claim 22, on line 1, between "the" and "pair", --third— should be inserted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiSalvo, et al.(US6246558), in view of Passow or Grenier.

DiSalvo discloses a circuit interrupting device comprising: a first pair of terminals [34,38] capable of being electrically connected to a source of electricity; a second pair of terminals [36,40] capable of conducting electrical current to a load when electrically connected to said first pair of terminals; a third pair of terminals [58,78] capable of being electrically connected to user accessible plugs and/or receptacles where the first, second and third pair of terminals are electrically isolated from each other; a pair of movable bridges [50,70] electrically

connected to the first pair of terminals, said movable bridges capable of electrically connecting the first, second and third pairs of terminals to each other; a circuit interrupting portion 26 (fig. 2) having a circuit interrupter coupled to the pair of movable bridges, which circuit interrupter when energized due to the occurrence of a predetermined condition, is capable of engaging said pair of movable bridges causing electrical discontinuity between said first, second and third pairs of terminals, and a reset portion which when activated is either capable of activating at least a portion of the circuit interrupter engaging the pair of movable bridges to reestablish electrical continuity between the first, second and third pairs of terminals, or is not capable of activating the at least portion of the circuit interrupter thus preventing the pair of movable bridges from reestablishing electrical continuity between the first, second and third electrical conductors; where the condition comprises a ground fault, an arc fault, an appliance leakage fault, equipment leakage fault or an immersion detection fault [col 4, lines 63-col 5, lines 1-2]; further comprising a trip portion that is configured to cause electrical discontinuity between the first, second and third electrical conductors; where the trip portion comprises a test button 202 having an angled end portion 206 for engaging the latch plate 100; further comprising a sensing circuit [fig. 12] for detecting the occurrence of the predetermined condition; where the circuit interrupting portion comprises a coil 90 and plunger assembly 92, a latch plate 100 and lifter assembly 94 and a mechanical switch assembly 26 for engaging a sensing circuit used to detect the condition; where the reset portion

comprises a reset button 30 attached to a reset pin 110 which has a flange portion 112 extending from and integral with its end portion; where the movable bridges are electricity conducting spring arms mechanically biased away from the second and third electrical conductors (figs. 5,6); where the first pair of terminals electrical conductor comprises a contact connected to electric conducting material at least part of which extends outside of a housing within which the circuit interrupting device resides (34 in fig. 1); where the second pair of terminals electrical conductor comprises a contact connected to electric conducting material at least part of which extends outside of a housing within which the circuit interrupting device resides (36 in fig. 1); where the third pair of terminals comprises a pair of contacts connected to a conducting frame forming a pair of receptacles [16,17,18,24,25,26] that is accessible from outside of a housing within which the circuit interrupting device resides.

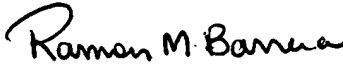
DiSalvo did not disclose where said movable bridge has a connecting portion having two fingers. Passow discloses employing bifurcated double-break contacts for the purpose of improving connection reliability (col. 1, lines 10-63). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Disalvo a movable bridge with a connecting portion having two fingers for the purpose of improving connection reliability. In addition, Grenier (figs. 12-13) discloses a circuit-interrupting device having a contact system 16 with a movable bridge employing contact fingers, an equivalent structure known in the art.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramon M. Barrera whose telephone number is (571) 272-1987. The examiner can normally be reached on Monday through Friday from 11 to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ramon M Barrera
Primary Examiner
Art Unit 2832

rmb